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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,310	03/13/2001	Kannan Srinivasan	696.004	1781

35195 7590 11/16/2005		EXAMINER
FERENCE & ASSOCIATES		JACKSON, BLANE J
409 BROAD STREET		
PITTSBURGH, PA 15143	ART UNIT	PAPER NUMBER
	2685	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 August 2005*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 16 August 2005 have been fully considered but they are not persuasive. The examiner disagrees with the applicant's assertion that Glorikian communicates information to the user based solely on the position of the user's wireless device, that there is no teaching or suggestion of communicating inferred information based on location and time.

Glorikian teaches a wireless device user on a walking tour utilizing the GPS equipped device to provide location and time derived information pertaining to items of very local interest, column 5, lines 57 to column 6, line 28. This "very local interest" clearly teaches "inferred information". Further, Glorikian teaches any type of information may be provided selected by the client such as local economic or historical data organized around position and relative to the time era as well, column 6, line 63 to column 7, line 10. Further, Glorikian teaches "There are thus a vary great variety of information shells and granularity relative to geographic position, time frame *and real time that may be organized and made available to clients*, column 7, lines 11-15. Glorikian also establishes position and time based information as cited in column 6, lines 15-28 where pushed information selected (inferred) by the software server based on not just the simple location of the portable unit but also based on the rate of change and direction of change *and other dynamics derivative from location and time.* In

another words, the GPS unit determines the user's where and when to automatically

push or infer information of likely interest to the user.

This opinion of Glorikian teaching a service to provide information based on client

position relative to time with clarification of the dependent claims is addressed in the

Final Rejection that follows.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Glorikian (U.S. Patent 6,343,317).

As to claims 1 and 2, Glorikian teaches a method of communicating inferred information to a wireless communication device user comprising:

determining a location of the wireless device (figures 1 and 2, a cell phone with a GPS receiver and display used on a walking tour, column 5, line 38 to column 6, line 15),

ascertaining time at the location (information based on position relative to time including direction of change in location, rate of change and other dynamics derivative from location and time, column 6, lines 15-39),

determining information potentially of interest to the user from the location and the time at the location of the wireless device (dynamic location and time based inferred data in information selection, column 5, line 57 to column 6, line 39 and position, time frame and real time: column 7, lines 10-15),

inferring a likely interest of the user to the information ("This tourist, for example, may be presented with information pertaining to items of very local interest." column 5, lines 57-58),

transmitting data related to the inferred interest to the wireless device (column 5, line 57 to column 6, line 5).

As to claim 3, Glorikian teaches inferring includes utilizing a profile of preferences of the user to infer the likely interest of the user (client profile information available to the service at the server to determine what to push to a client and how to push it, column 6, lines 40-66).

As to claim 4 with reference to claim 3, Glorikian inherently teaches the profile of preferences of the user is obtained by ascertaining trends in selections made by the user where these preferences are determined by the service while the user is moving about, using the service and identified by advertisers to adjust advertisements, column 6, line 63 to column 7, line 15 and column 10, line 63 to column 11, line 16.

As to claim 5, Glorikian teaches a method of communicating inferred information to a wireless device user comprising:

determining time at the wireless device,

determining information potentially of interest to the user from the time at the wireless device (information selection pushed to an Internet appliance user during a walking or riding tour based on location, direction of change in location, rate of change and other dynamics derived from location and time, column 6, lines 15-39 and information relative to position, time frame and real time, column 7, lines 11-15),

inferring a likely interest of the user in the information ("This tourist, for example, may be presented with information pertaining to items of very local interest." column 5, lines 56-64),

transmitting data related to the inferred interest to the wireless device ("This client will be pushed information about the history of Martin's Hundred. . . ", column 5, lines 57 to column 6, line 5).

As to claim 6, Glorikian teaches inferring includes inferring information of interest

to the wireless communication device based on information received from another

wireless communication device (indoor secondary position system, column 8, lines 11-

45).

As to claim 7, Glorikian teaches an information service that wirelessly connects

the device user (subscriber) with a wireless network with access to the information over

the Internet (figure 1, column 3, lines 31-53). Glorikian discloses that the user device

includes GPS circuitry to report time based location information to the service with the

information/service request, the first (wireless) signal by the device user. Glorikian

further teaches reviewing the location based information in consideration of the

approximate location and time based information in consideration of approximate

location to determine information which is potentially of interest to the user (column 6,

lines 15-29) and using an optionally determined need to generate a recommendation to

be transmitted to the user and transmitting the recommendation via the second signal

transmitting means (column 11, lines 17-29).

As to claim 8, Glorikian teaches the method of claim 7 further comprising

determining from the first signal a need of the user for a product or service (type of

information to be provided selected by a client, column 6, lines 63-66 and automatic

inferred information triggered by location information, column 5, lines 57-64).

As to claims 9 and 10, Glorikian teaches the method of claim 7 comprising

determining an approximate time to base a recommendation when the first signal was

sent (server information based on location, direction of change in location and rate of

change are time based dynamics as well as other dynamics derivative form location and

time, column 6, lines 15-29).

As to claim 11, Glorikian teaches a method of communicating inferred

information to a wireless communication device user comprising:

Determining a location of the wireless device,

Determining information potentially of interest to the user from the location of the

wireless device (information selection pushed to an Internet appliance user during a

walking or riding tour based on location, direction of change in location, rate of change

and other dynamics derived from location and time, column 6, lines 15-39 and

information relative to position, time frame and real time, column 7, lines 11-15),

Utilizing a profile of preferences of the user to infer the interest of the user (client

profile information available to the service at the server to determine what to push to a

client and how to push it, column 6, lines 40-66).

Transmitting data related to the inferred interest to the wireless device (This

tourist may be present with information pertaining to items of very local interest.",

column 5, lines 57-64).

As to claim 12 with respect to claim 11, Glorikian teaches the profile of preferences of the user is obtained by ascertaining trends in selections made by a user (preferences are determined by the service while the user is moving about, using the service and identified by advertisers to adjust advertisements, column 6, line 63 to column 7, line 15 and column 10, line 63 to column 11, line 16.

As to claim 13 with respect to claim 11, Glorikian teaches wherein inferring includes inferring information of interest to the wireless communication device based on information received from an other wireless communication device (indoor secondary position system, column 8, lines 11-45).

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
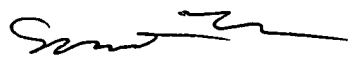
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

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